

Article - Environment

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§1-604.

(a) (1) After the Department receives the permit application, the Department shall prepare a tentative determination, which shall include the following information:

- (i) A proposal to issue or to not issue a permit;
- (ii) Any proposed permit limitations and conditions;
- (iii) A brief explanation of the Department's tentative determination; and
- (iv) Any proposed schedule of compliance.

(2) If the tentative determination is to issue a permit, the tentative determination shall include a draft permit, which shall be available to the public for inspection and copying.

(3) The Department shall publish a notice of the tentative determination. This publication shall allow 30 calendar days for public comment before the issuance of the final determination.

(4) (i) The Department shall schedule a public hearing on the tentative determination when a written request for a public hearing is made within 20 days of publication of a notice of the tentative determination.

(ii) The public hearing may be canceled if all persons who made timely written requests withdraw the requests prior to the meeting. In addition, the Department may schedule a public hearing on a tentative determination at its discretion.

(b) (1) The Department shall prepare a final determination if:

(i) Written comments adverse to the tentative determination were received by the Department within 30 days after the publication of the notice of tentative determination pursuant to this section;

(ii) Comments adverse to the tentative determination were received in writing at, or within 5 days after, the public hearing conducted pursuant to this section;

(iii) Comments adverse to the tentative determination were received orally at the public hearing conducted pursuant to this section and the Department prepared a transcript of the comments made at the hearing; or

(iv) The final determination is substantively different from the tentative determination and all persons aggrieved by the final determination have not waived, in writing, their right to request a contested case hearing.

(2) If the Department is required to prepare a final determination under this section, the Department shall publish a notice of the final determination.

(3) If the Department is not required to prepare a final determination under this section, the tentative determination is a final decision by the Department when the permit is issued or denied.

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